

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

TAMARA LOHR and RAVIKIRAN SINDOGI,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

NISSAN NORTH AMERICA, INC., and
NISSAN MOTOR CO., LTD.,

Defendants.

NO. 2:16-cv-01023-RSM

**STIPULATED MOTION AND ORDER
TO FURTHER EXTEND BRIEFING
DEADLINES ON MOTIONS TO
EXCLUDE**

**NOTED FOR CONSIDERATION:
August 13, 2021**

I. STIPULATED MOTION

Plaintiffs Tamara Lohr and Ravikiran Sindogi and Defendant Nissan North America, Inc. respectfully request that the Court extend the briefing deadlines for Nissan's motions to exclude Plaintiffs' experts and set additional deadlines for Plaintiffs to seek leave to file rebuttal expert reports so Plaintiffs' motion for class certification and both parties' motions to exclude can be considered together. The Court has previously extended the extended the class certification briefing schedule on several occasions. Dkt Nos. 62, 70, 73, 75, 77, 79, and 129.

Plaintiffs assert that there is good cause to grant the parties' motion. Plaintiffs intend to seek leave to submit rebuttal expert reports for two of their experts, Colin Weir and Steven Gaskin. Defendant intends to oppose submission of any rebuttal reports for reasons that include their untimeliness. If the Court grants leave to file rebuttal reports, Nissan may need to depose

those experts again and, if necessary, conduct additional expert work and, if necessary, seek to submit amended motions to exclude.

The parties are also coordinating discovery and class certification deadlines in this action with a companion case filed in the Northern District of California, *Johnson v. Nissan North America, Inc.*, No. 3:17-cv-00517-WHO. The Court in *Johnson* granted an extension similar to the one requested in this motion. *See* Stipulated Motion and Order to Extend Briefing Deadlines, *Johnson v. Nissan North America, Inc.*, No. 3:17-cv-00517-WHO (N.D. Cal. Aug. 11, 2021), ECF No. 166.¹ Extending the deadlines in this matter may also facilitate the parties' informal settlement discussions. The parties therefore stipulate and move the Court for an order extending the briefing schedule on Nissan's motions to exclude as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Deadline for Plaintiffs to file responses to Nissan's motions to exclude Plaintiffs' experts, proposed rebuttal expert reports	08/13/2021	09/03/2021
Deadline for Plaintiffs to file motion for leave to submit rebuttal expert reports	None	09/03/2021
Deadline for Nissan to file response to Plaintiffs' motion for leave to submit rebuttal expert reports	None	9/24/2021
Deadline for Plaintiffs to file reply in support of motion for leave to submit rebuttal expert reports	None	10/5/2021
Noting date for Plaintiffs' motion for leave to submit rebuttal expert reports	None	10/5/2021

¹ Parties agree that nothing in either stipulation or agreement to extend the deadlines should be construed as waiving or otherwise limiting Nissan's challenge to the permissibility or timeliness of any further expert reports from Plaintiffs, rebuttal or otherwise.

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Deadline for Nissan to file reply/supplemental briefs in support of motion to exclude reply up to 12 pages.		10/29/2021

STIPULATED TO AND DATED this 13th day of August, 2021.

TERRELL MARSHALL LAW GROUP
PLLC

SHOOK HARDY & BACON L.L.P.

By: /s/ Beth E. Terrell, WSBA #26759

By: /s/ Weston Dunn, WSBA #54385

Beth E. Terrell, WSBA #26759
Email: bterrell@terrellmarshall.com
Amanda M. Steiner, WSBA #29147
Email: asteiner@terrellmarshall.com
Benjamin Drachler, WSBA #51021
Email: bdrachler@terrellmarshall.com
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 319-5450

Weston Dunn, WSBA #54385
Email: wddunn@shb.com
701 Fifth Avenue, Suite 6800
Seattle, Washington 98104
Telephone: (206) 344-7600
Facsimile: (206) 344-3113

Amir Nassihi, *Admitted Pro Hac Vice*
Email: anassihi@shb.com
Andrew L. Chang, *Admitted Pro Hac Vice*
Email: achang@shb.com
H. Grant Law, *Admitted Pro Hac Vice*
Email: hlaw@shb.com
SHOOK HARDY & BACON L.L.P.
555 Mission Street, Suite 2300
San Francisco, California 94105
Telephone: (415) 544-1900
Facsimile: (415) 391-0281

Gregory F. Coleman, *Admitted Pro Hac Vice*
Email: gcoleman@milberg.com
Mark E. Silvey, *Admitted Pro Hac Vice*
Email: msilvey@milberg.com
Adam A. Edwards, *Admitted Pro Hac Vice*
Email: aedwards@milberg.com
Justin G. Day, *Admitted Pro Hac Vice*
Email: jday@milberg.com
William A. Lادنier, *Admitted Pro Hac Vice*
Email: wladnier@milberg.com
Email: rpothier@milberg.com
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC
First Tennessee Plaza
800 South Gay Street, Suite 1100
Knoxville, Tennessee 7929
Telephone: (865) 247-0080
Facsimile: (865) 522-0049

STIPULATED MOTION AND ORDER TO FURTHER
EXTEND BRIEFING DEADLINES ON MOTIONS TO
EXCLUDE - 3

CASE No. 2:16-cv-01023-RSM

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com

1 Mitchell M. Breit, *Admitted Pro Hac Vice*
2 Email: mbreit@simmonsfirm.com
3 MILBERG COLEMAN BRYSON
4 PHILLIPS GROSSMAN, PLLC
5 100 Garden City Plaza
6 Garden City
7 New York, New York 11530
8 Telephone: (347) 668-8445

9 Charles Crueger, *Admitted Pro Hac Vice*
10 Email: cjc@cruegerdickinson.com
11 Erin Dickinson, *Admitted Pro Hac Vice*
12 Email: ekd@cruegerdickinson.com
13 CRUEGER DICKINSON LLC
14 4532 North Oakland Avenue
15 Whitefish Bay, Wisconsin 53211
16 Telephone: (414) 210-3868

17 Edward A. Wallace, *Admitted Pro Hac Vice*
18 Email: eaw@wexlerwallace.com
19 WEXLER WALLACE LLP
20 55 West Monroe Street, Suite 3300
21 Chicago, Illinois 60603
22 Telephone: (312) 346-2222
23 Facsimile: (312) 346-0022

24 *Attorneys for Plaintiffs*

William R. Sampson, *Admitted Pro Hac Vice*
Email: wsampson@shb.com
Holly P. Smith, *Admitted Pro Hac Vice*
Email: hpsmith@shb.com
Mark Cowing
Email: mcowing@shb.com
SHOOK HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Telephone: (816) 474-6550
Facsimile: (816) 421-5547

Attorneys for Defendant Nissan North America, Inc.

II. ORDER

IT IS SO ORDERED.

DATED this 13th day of August, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE